

# Questions and Answers—Confidential Intermediary

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## Qualification/Eligibility

**1) Q:** How do I know if I am eligible to sign up for this service?

**A:** You must be 21 years old or older and an adoptee or the lineal descendant of a deceased adoptee, or the birth parent of an adoptee who is now 21 or older. Lineal descendant is anyone who is in the direct line of the deceased adoptee, such as a son/daughter, grandson/granddaughter. If you are the adoptive parent of a minor adoptee, you can use this process to try and obtain non-identifying medical information from the birth parents. The other requirement is that the adoption must have been finalized in North Carolina.

**2) Q:** I am eligible for this service, but I work for the agency that handled my adoption, what should I do?

**A:** This is potentially a conflict of interest, so the agency should refer you to another DSS or licensed adoption agency. The agency can also determine what other relationships may be a conflict, such as members of the local DSS Board, foster parents licensed through the agency, etc.

**3) Q:** Is it permissible to use criminal checks at a Confidential Intermediary agency as a way to determine if the CI agency should enter into a CI agreement with a particular requestor?

**A:** Yes, the CI agency has the discretion to evaluate a potential client as deemed appropriate. (For example, substance evaluation or recommendation from a counselor)

**4) Q:** What proof of kinship is required when determining eligibility for CI Services on behalf of an adult lineal descendent of a deceased adoptee?

**A:** Certified birth, death or marriage certificates are required. Flexibility will need to be shown in those cases where a certified copy is no longer available. The agency will determine if copies that are not certified are acceptable.

**5) Q:** If a person seeking information about a North Carolina finalized adoption lives in another state that has CI Services, can they use the CI Services provided in that state?

**A:** No, CI Services for North Carolina adoptions have to be provided by a North Carolina licensed adoption agency.

## Agency Issues

**1) Q:** Is an agency required to provide the service if I ask? Is there a set fee for this service?

**A:** No. Provision of CI services by the agency is voluntary. Agencies may set their own fee for this service.

**2) Q:** Who signs the DSS 5027 Form when a CI case is opened at a Department of Social Services?

**A:** The requestor signs the 5027 form and provides a witness to their own signature if they are not before the CI to sign the form.

**3) Q:** What date is a CI case officially opened?

**A:** When the CI Agreement between the searcher and the agency is signed and notarized allowing the search process to begin. Note: County DSS's will complete the 5027 form which is signed by the CI client.

**4) Q:** I am a DSS Social Worker who does Confidential Intermediary work. How do I code my time on my day sheet?

**A:** These codes are 017 – Adoption Access (CI) and 018 – Adoption Access (CI) Case Management. (Refer to [SIS Change Notice 03-07](#) for full instructions.) These codes are to be used by county staff to document activities and services to clients when acting as Confidential Intermediary in response to requests for access to Adoption records on behalf of an adult adoptee or their adult lineal descendant (if the adoptee is deceased). Note: These Service Codes, when reported on the DSS-4263 Worker Daily Report of Services, must be changed to Program Code N – Non-DSS Reimbursable. Instructions for the DSS-1571 Part I and IV will be provided by the Controller's Office.

**5) Q:** As a social worker doing CI work, what systems can I use to conduct searches?

**A:** Systems restricted by federal or state confidentiality laws and guidelines cannot be used for these searches. Any public record can be used, such as DMV or tax records. Internet search engines and public or private sites can be used at the agency's discretion. There is, however, a cost for the use of some of these sites.

**6) Q:** What kind of supportive services does the CI agency provide to the person receiving this service?

**A:** This process could be emotionally difficult for some people. When an agency agrees to provide CI services, time should be spent with the person seeking those services discussing possible outcomes and helping them manage their expectations. The agency should also continue to assess the person's needs as the process continues. There are several possible outcomes in the provision of CI services:

- 1) Updated non-identifying information
- 2) Unsuccessful attempts to locate or contact anyone
- 3) Persons located but may be unwilling to consent to contact with the person seeking the CI services, or the person may be deceased.
- 4) Persons located and agree to meet with the person seeking the CI services

- 5) Information indicates that the person being located is deceased

Regardless of the outcome, the agency should continue to be supportive of the person and assess their needs throughout the process.

**7) Q:** If the person contacted agrees to meet, what is the agency's role?

**A:** The agency acts in the role of facilitator. The agency representative should prepare both parties carefully before the meeting. In addition to arranging the visit, the agency representative should provide introductions and help guide the discussion during the visit.

**8) Q:** Some CI applicants are requesting to meet their relatives as soon as possible. Is there some step a Confidential Intermediary can take to prepare the CI applicant to meet their relative?

**A:** The Confidential Intermediary begins discussing possible search outcomes at the first inquiry and continuously throughout the search process. Calls, letters or other indirect communication prior to the first meeting may reduce the emotional impact of the first meeting. Once consenting parties request the CI to help them meet each other, the meeting should be arranged as soon as possible. Policy states within 30 days of the signed consents.

**9) Q:** What follow-up services does the CI agency provide?

**A:** The agency should provide good social work practice that includes assessment and support long enough to determine if there is a need for additional services. It may be necessary to spend additional time after the meeting helping the individual process the meeting and what it may have meant for them. If at any time a more significant need is identified, the agency representative should discuss available services, through referral, and help facilitate contact with the appropriate agency.

**10) Q:** How do you close a CI case and when?

**A:** The CI provides a written report of their findings to the searcher within 90 days of the date of the CI Agreement. The CI agency and searcher are then free to negotiate if further services are desired, fees, if any, and form a new agreement.

## **Authorized Disclosures**

**1) Q:** Where do I begin if I do not know the name of the agency that handled the adoption?

**A:** You would need to submit a request to the NC Division of Social Services, Adoption Review and Indexing Unit, 325 N. Salisbury St. Room 735, 2425 Mail Service Center, Raleigh, NC 27699-2425.

**2) Q:** Can I contact an agency that may provide CI services directly?

**A:** Yes, you can contact them directly. Remember, however, agency participation in CI services is voluntary. For a complete listing of local DSS agencies can be found on line at: <http://www.ncdhhs.gov/dss/local/index.htm>. A complete listing of North Carolina licensed adoption agencies can be found at: <http://www.ncdhhs.gov/dss/licensing/listings.htm>. Once there, click on the "Adoption Agency" link. A complete listing of the agencies that have agreed to provide Confidential Intermediary Services can be found at: [www.ncdhhs.gov/dss/adoption/index.htm](http://www.ncdhhs.gov/dss/adoption/index.htm). Once there, click on the "Agencies and Counties with CI Services" link.

**3) Q:** What if the Confidential Intermediary agency cannot locate the records for the client?

**A:** The Confidential Intermediary agency may submit a request by letter or fax to the NC Division of Social Services. The fax number is 919-334-1123. A copy of the CI Application and CI Agreement forms must be included with the request letter.

**4) Q:** Are adoption agencies which are not providing CI Services permitted to share their client's adoption files with an agency providing Confidential Intermediary Services?

**A:** Yes, the CI agency must provide to the original adoption agency a copy of the CI Application and CI Agreement along with the written request for the record. Sending records by Certified Mail provides the best protection for confidential adoption files.

### **Release of Identifying Information**

**1) Q:** Can the actual adoption record, or any part of the record itself, be provided to the person seeking CI services?

**A:** No. The record itself is still subject to court order under 48-9-105.

**2) Q:** What if I find out that my birth parent or the adoptee I'm trying to contact has died?

**A:** You would need to file a motion with the Clerk of Court where the adoption was finalized. This is subject to 48-9-105. There is a \$50 filing fee.

**3) Q:** When does the CI share identifying (or non-identifying information) or set up a meeting with the searcher about their birth relative?

**A:** After all parties have signed the CI Consent to the Release of Information and/or Contact form and the searcher has signed the Release of Liability and Agreement to Hold Harmless form.

### **Release of Non Identifying Information**

**1) Q:** What is non- identifying information?

**A:** Non- identifying information is medical/social history information in the adoption file about the adoptee's birth parents gathered at the time of the adoption OR current medical/social information on the birth relative, which does not identify the party.

**2) Q:** Is there a fee for sharing non-identifying information contained in an existing adoption file?

**A:** No, however the agency is allowed to charge a fee for locating and copying this information if it chooses. NOTE, this is not a CI Service and no agreement is necessary for an adoptee to obtain their non- identifying information.

**3) Q:** Are foster care records sealed when a foster child is adopted?

**A:** It is very important to determine what information the former (adult) foster child is requesting before responding. Adoptees formerly in foster care are entitled to their non-identifying information from agency foster care files with the identifying information redacted from documents and/or a summary provided containing their non-identifying information (ex. When did foster care begin, how many places did I live, what happened in court?)

**4) Q:** Is there a fee for locating an adoptee and sharing updated medical information that is provided by a birth parent or birth relative?

**A:** No, when a birth parent or birth relative of an adoptee provides updated family medical or genetic information to the adoption agency, according to G.S. 48.9.103 (e), the agency must make a reasonable effort to locate and share this information with the adult adoptee or adoptive parent of a minor adoptee at NO charge.

## **Legal Issues**

**1) Q:** If a CI search finds there is a Guardian for the adult person being sought, what is their next step in contacting the person?

**A:** First, confirm Guardianship of the Person (note: not Guardian of the Estate) by examining the guardianship documents prior to discussing the search details. All contacts and CI forms are handled by the Guardian, who is charged with acting in the client's best interest.

**2) Q:** If an individual seeking information about a North Carolina finalized adoption lives in another state, how can they file a Motion/Petition with the county Clerk of Court to have their adoption record open?

**A:** The Motion/Petition can be filed by mail. However, when the hearing is scheduled, the person who filed the motion must be present at the hearing or have their representative present at the hearing. This representative can only be an attorney representing the person filing the petition.